United Nations A/66/774–S/2012/222

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Security Council

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General Assembly
Sixty-sixth session
Agenda item 60
Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Security Council
Sixty-seventh year

Letter dated 13 April 2012 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

I have the honour to transmit a copy of a letter from the representative of the Frente Polisario addressed to the President of the Security Council and dated 12 April 2012 (see annex).

I should be grateful if you would have the present letter and its annex issued as a document of the General Assembly, under agenda item 60, and of the Security Council.

(*Signed*) Baso **Sangqu**
Ambassador and Permanent Representative
of the Republic of South Africa

12-29747 (E) 230412

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Annex to the letter dated 13 April 2012 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

12 April 2012

I have the honour to refer to the upcoming consideration by the Security Council of the most recent report of the Secretary-General on the situation in Western Sahara (S/2012/197) and the renewal of the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO).

Since early 2011, members of the Security Council have repeatedly voiced their support for peaceful transition to democracy in light of the profound and dramatic changes sweeping through parts of the Middle East and northern Africa. These unprecedented developments have demonstrated clearly that any political solution in Western Sahara must reflect the will of its people if it is to be credible and sustainable, and if it is to foster peace, security and regional integration in the long term. It must also be based on international law, including the principles and purposes of the Charter of the United Nations.

The Frente Polisario respectfully reminds the Council that MINURSO was established in 1991 primarily to organize and supervise the conduct of a free and fair referendum on self-determination for the people of Western Sahara. As the Secretary-General notes in his most recent report, this remains the core function of the peacekeeping mission.

At its establishment, both parties to the dispute, the Frente Polisario and Morocco, agreed to cooperate with MINURSO to fulfil its unequivocal mandate. However, Morocco decided in April 2004 to halt its cooperation, clearly concerned that a free and fair referendum would lead to the people of Western Sahara choosing the option of an independent Saharawi state. We note the conclusion of the Secretary-General in his 2011 report on the situation in the Western Sahara (S/2011/249) that the need for the conduct of a referendum remains "the one major point of convergence" in the respective proposals of the two parties. With this in mind, it is now time for the Security Council to direct MINURSO to move immediately to fulfil its "principal purpose" by refreshing the voter lists, held by the United Nations in Geneva, in preparation for the conduct of a referendum.

The Frente Polisario calls attention to the very clear description in this year's report regarding the significant challenges facing MINURSO in the implementation of its existing mandate. The report recognizes that "monitoring, assessing and reporting on local developments affecting or relating to the situation in Western Sahara" are "standard peacekeeping mission functions" for which MINURSO is responsible. For obvious reasons, the Security Council must have access to reliable and credible information on such developments.

We call on the Security Council to direct Morocco to cooperate fully with MINURSO by allowing "unhindered and immediate access for the United Nations and associated personnel in carrying out their mandate" (as confirmed by Security Council resolution 1979 (2011), para. 2), and to allow free access to the Territory for diplomats, journalists, human rights organizations and other interested observers. The Frente Polisario undertakes to do the same in respect of that portion of the Territory of Western Sahara under its control, as well as in the Tindouf refugee camps.

In this context, the Frente Polisario wishes to express its deep concern at the absence of any reference in the Secretary-General's report to the failure to make progress on the establishment of an effective international mechanism for regular, independent, impartial and sustained human rights monitoring within a clear mandate covering the entire Territory and the refugee camps, as recommended by the Office of the United Nations High Commissioner for Human Rights.

The past year has demonstrated with absolute clarity that reliance on the special procedures of the Human Rights Council is not a viable route to building an independent and credible human rights monitoring and reporting capacity in Western Sahara. As confirmed by the Secretary-General in his most recent report, there has been only one visit to the Territory by a Human Rights Council special procedure, limited to a 24-hour tour of the fishing town of Dakhla by the Independent Expert in the field of cultural rights, Ms. Farida Shaheed. Ms. Shaheed's end-of-mission statement called for the immediate revocation of limits on the cultural rights of the Saharawi people, and indicated that there are indeed abuses of human rights in the Territory which demand the ongoing attention of the United Nations.

In the absence of international monitoring and assuming a continued lack of consensus among Security Council members on the issue, Moroccan authorities have over recent years instituted a significant crackdown on freedom of movement and freedom of speech in the occupied Territory, targeting Saharawi human rights defenders in a manner inconsistent with Morocco's international human rights treaty obligations. Other human rights violations perpetrated by Moroccan forces have included unfair trials, ill-treatment, torture and violence. Sporadic reports by individuals based upon infrequent trips and incomplete information are therefore completely inadequate. It is a significant stain on the credibility of the United Nations system, including the Security Council, that MINURSO remains the only United Nations peacekeeping mission established since 1978 that is operating without a human rights monitoring capacity.

On natural resources, the Frente Polisario welcomed the decision of the European Parliament in December 2011 to reject the conclusion of an agreement to extend the European Union's illegal fishing of Western Sahara's waters under the European Union-Morocco Fisheries Partnership Agreement. As an illegal occupier, Morocco has no basis for exercising sovereign rights over the Territory or waters offshore from Western Sahara, which has been listed as a Non-Self-Governing Territory under the Charter of the United Nations since 1963. In 1975, the International Court of Justice rejected outright Morocco's claim to sovereignty over the Territory, a claim that has not been recognized by any country in the world. Moreover, Morocco has never been listed, or recognized, as the Territory's administering Power, which would require an affirmative resolution of the United Nations General Assembly.

Ongoing efforts by Morocco and colluding foreign entities to explore and exploit Western Sahara's natural riches constitute a violation of the permanent sovereignty of the people of Western Sahara over their natural resources, and risk further destabilizing an already volatile situation in the Territory. At this sensitive time, the Security Council must ensure that any illegal activities with respect to Western Sahara's natural resources cease immediately.

The Frente Polisario wishes to emphasize the significant steps it has taken to counter terrorist activities in the area under its control and elsewhere in the Sahel. We have provided a detailed briefing to the Department of Peacekeeping Operations of the United Nations Secretariat on these developments, in particular our quick response to the kidnapping of three humanitarian workers working in the Tindouf refugee camps. In cooperation with neighbouring countries, the Frente Polisario's Special Military Units located and apprehended some of the cells and individuals believed to be responsible for the abductions, and we continue to cooperate with the Governments of Spain and Italy in an effort to secure the release of the hostages. We will continue to cooperate fully with the United Nations to implement further security measures to ensure the safety of MINURSO military observers.

The Frente Polisario also wishes to highlight that the Secretary-General's characterization of the "Polisario" and the "Moroccan" positions in the dispute (paras. 100 and 101 of the report) is such as to create a risk of serious misinterpretation by Council members. It is completely inaccurate to imply that it is the position of the Frente Polisario alone that Western Sahara is a Non-Self-Governing Territory. The International Court of Justice, as well as the Security Council and the General Assembly, have all reaffirmed repeatedly the international legal status of Western Sahara as a Non-Self-Governing Territory under the Charter, and the associated right of the people of Western Sahara to a process of self-determination. In other words, the people of Western Sahara must be granted their right to determine their own political future, including the possibility of independence. This is not merely a political position — it is what international law requires.

In contrast, Morocco's position that the people of Western Sahara should be required to vote only on a single option of a loose autonomy arrangement involving integration of the Territory into Morocco is inconsistent with every tenet of international law applicable to the question of achieving self-determination in situations of decolonization. As a consequence, the positions summarized by the Secretary-General are not those of the "Polisario" and "Morocco". Rather, the former is a position that is consistent with principles of international law on self-determination in situations of decolonization, and the latter is not.

Finally, I wish to express our deep concern at the repeated efforts by the delegation of Morocco to negotiate and water down the contents of the reports of the Secretary-General to the Security Council. Once again this year, we have seen substantive late changes made to the 6 April "advance copy" of the report, unusually reissued on 11 April as a "final advance copy". We note in particular the removal of a previous recommendation from the Secretary-General to the Council (in what is now paragraph 112 of the "final advance copy") that the Council sustains MINURSO "as a mechanism to implement a referendum on self-determination ...". References in the 6 April "advance copy" to Morocco's provocative installation of 21 Moroccan flags around the MINURSO headquarters in El Aaiún were also removed. This is, of course, part of an ongoing and outrageous attempt by Morocco to undermine the independence and impartiality of the United Nations, and to distort the international legal requirement for a referendum in Western Sahara.

In conclusion, and with a view to ensuring that the Council is addressed equally by both parties to the dispute, I wish to confirm the availability of the

delegation of the Frente Polisario to address the Security Council when it considers the question of Western Sahara in the coming weeks.

I should be most grateful if you would circulate this letter to the members of the Security Council.

(*Signed*) Ahmed **Boukhari**
Representative of the Frente Polisario to the United Nations

United Nations A/66/775–S/2012/242

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Security Council

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19 April 2012

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General Assembly
Sixty-sixth session
Agenda item 17 (a)
Macroeconomic policy questions: international trade and development

Security Council
Sixty-seventh year

Letter dated 17 April 2012 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the position of the Republic of Belarus regarding the unilateral sanctions of the European Union on Belarus (see annex).

I would be grateful if you could have the present letter and its annex circulated as a document of the General Assembly, under agenda item 17 (a), and of the Security Council.

(*Signed*) Andrei **Dapkiunas**

12-30158 (E) 200412 240412

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Annex to the letter dated 17 April 2012 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

Position of the Ministry of Foreign Affairs of the Republic of Belarus on the imposition by the European Union of sanctions against the Republic of Belarus

[Original: Russian]

Minsk, 30 March 2012

Since January 2011, the European Union and a number of countries that have associated themselves with its policy have been systematically expanding unilateral sanctions against the Republic of Belarus, barring a growing number of its citizens from entering their territory and freezing any financial operations involving more and more private companies based in Belarus. Sanctions have now been imposed against 243 individuals and 32 enterprises.

The European Union cites as grounds for its actions its own understanding of how the 2010 presidential elections in Belarus were conducted and of actions taken by the Belarusian authorities vis-à-vis certain representatives of civil society, as well as of the role that the individuals and enterprises in question allegedly played in these events.

The trumped-up nature of these claims is obvious given that the European Union blacklist includes, among others, a considerable number of journalists, judges, prosecutors, electoral commissioners, college and university provosts and school principals, businesspeople and even a hospital medical director.

Moreover, in January 2012, the Council of the European Union determined that restrictions could be placed upon all "persons or entities benefiting from or supporting the Lukashenka regime". In other words, any citizens of Belarus who labour for the national good or receive material compensation or social assistance from the State may find themselves hostage to European Union policy and targeted by its sanctions.

In practice, the purpose of the sanctions is thus to coerce Belarusian citizens and companies either to take up a position or to take steps in which the European Union has a vested interest, rather than those that derive directly from national law, professional ethics or the interests of said individuals or companies.

The European Union's actions are therefore unilateral and coercive in nature, infringing upon the legal rights and liberties of a large number of natural and legal persons, and are designed to interfere generally in the internal affairs of a sovereign State.

The European Union's decisions on Belarus contravene the Charter of the United Nations, principles and norms of international law, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, and numerous relevant and regularly adopted resolutions of the Assembly and other United Nations bodies.

In particular, in a recent resolution on this topic, resolution 66/186 on unilateral economic measures as a means of political and economic coercion against developing countries, the General Assembly urged the international community to adopt urgent and effective measures to eliminate the use of unilateral coercive economic measures and to condemn and reject the imposition of the use of such measures as a means of political and economic coercion. A Human Rights Council resolution on human rights and unilateral coercive measures adopted at that body's nineteenth session in March 2012 sets out similar provisions.

Moreover, economic sanctions targeting legal persons in the Republic of Belarus directly affect the income of those companies' employees and their families. The European Union is essentially punishing the people of Belarus for exercising their right to freely choose their national political, economic and social model.

Restrictive measures of this kind also run counter to the Final Act of the Conference on Security and Cooperation in Europe (CSCE). Under Principle VI of the Final Act, participating States "will refrain from any intervention, direct or indirect, individual or collective, in the internal or external affairs falling within the domestic jurisdiction of another participating State, regardless of their mutual relations. ... They will likewise in all circumstances refrain from any other act of military, or of political, economic or other coercion designed to subordinate to their own interest the exercise by another participating State of the rights inherent in its sovereignty and thus to secure advantages of any kind."

Under Principle VIII, by virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.

Acts of intimidation, economic pressure and coercion are utterly unacceptable in international affairs and serve only to escalate tensions between sovereign States and in the international arena generally.

The Ministry of Foreign Affairs of the Republic of Belarus calls upon the European Union to lift without condition all sanctions and restrictive measures targeting Belarus.

United Nations A/66/776–S/2012/246

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Security Council

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General Assembly
Sixty-sixth session
Agenda items 34, 35, 39 and 67

Security Council
Sixty-seventh year

Prevention of armed conflict

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Elimination of racism, racial discrimination, xenophobia and related intolerance

Letter dated 18 April 2012 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I wish to draw your attention to the unremitting efforts by Azerbaijan to exploit the offices of the United Nations for the purposes of disseminating anti-Armenian propaganda and fabrications. The latest example of this is the letter from the Permanent Representative of the Republic of Azerbaijan dated 23 March 2012 (A/66/764-S/2012/204), drafted in full compliance with the lamentably well-known principle: "If you tell a big enough lie and you keep repeating it, in the end people will start believing it".

It is telling that the representative of Azerbaijan, voicing his indignation at the dissemination of a statement by the Ministry of Foreign Affairs of the Republic of Nagorny Karabakh, does not refute a single one of the facts enunciated in that statement. Instead, the Azerbaijani letter follows the well-worn path of taking quotations out of context and deliberately misinterpreting them in order to distort the facts and denigrate the Armenian people and their leaders. It is worth noting here that even one of the authors so extensively quoted by the Permanent Representative of Azerbaijan — Thomas de Waal — was constrained in February 2012 to express his displeasure at the way the "Azerbaijanis have ignored my admonition to treat the book as a whole and not to quote from it selectively" (see http://carnegieendowment.org/2012/02/24/president-interview-and-tragic-anniversary/9vpa).

The aggressive assertions by the representative of Azerbaijan come as no surprise to us — this is a country whose president, in his public pronouncements, describes all the Armenians in the world as fascists and enemies of Azerbaijan. The chauvinistic and anti-Armenian rhetoric issuing from Baku is, first and foremost, an

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endeavour by the leaders of Azerbaijan to shirk responsibility for the consequences of the military conflict which they unleashed and for the crimes which they committed. In this way, the Azerbaijani authorities are attempting to convert the rejection by their own people of the country's authoritarian hereditary regime into hatred for their neighbours and to cloak the true state of affairs in Azerbaijan, where human rights and democratic freedoms are rampantly flouted and any dissent is crushed.

By distorting both the essence of the Nagorny Karabakh problem and its causes and rejecting one after the other the recommendations by the Co-Chairs of the Minsk Group of the Organization for Security and Cooperation in Europe, Azerbaijan is holding up progress in the negotiating process for a peaceful settlement to the Karabakh conflict on the basis of the three principles of international law: non-use of force or the threat of force; self-determination of peoples; and territorial integrity.

It is also common knowledge that none other than the former President of Azerbaijan, Heydar Aliyev, after repeatedly failing to solve the problem through successive military attacks, conducted in breach of the resolutions of the United Nations Security Council, gave authority, by his own signature, to top-ranking officials of Azerbaijan to conduct negotiations with representatives of the authorities of the Nagorny Karabakh Republic, while he himself met in person with the leader of Nagorny Karabakh. It was precisely thanks to such direct negotiations with Nagorny Karabakh that a ceasefire agreement was concluded between Nagorny Karabakh and Azerbaijan, and also joined by Armenia.

The authorities of Nagorny Karabakh, who have been deprived of the possibility of providing their own direct response in international organizations to the propaganda and fabrications put about by Azerbaijan, which run entirely counter to the efforts by the international community to settle the conflict, are naturally obliged to appeal to the representatives of Armenia at international organizations, including the United Nations, requesting them to put forward the position of Nagorny Karabakh in response to the insinuations made by Azerbaijan.

I should be grateful if the present letter could be circulated as a document of the General Assembly under agenda items 34, 35, 39 and 67, and also as a document of the Security Council.

(*Signed*) Garen **Nazarian**
Ambassador
Permanent Representative

United Nations A/66/777

General Assembly

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23 April 2012

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Sixty-sixth session
Agenda item 158
Financing of the United Nations Interim Administration Mission in Kosovo

Financing arrangements for the United Nations Interim Administration Mission in Kosovo for the period from 1 July 2011 to 30 June 2012

Note by the Secretary-General

1. By its resolution 65/300 of 30 June 2011 on the financing of the United Nations Interim Administration Mission in Kosovo (UNMIK), the General Assembly appropriated and assessed on Member States the amount of $44,914,800 gross for the maintenance of the Mission for the period from 1 July 2011 to 30 June 2012.

2. The budget for UNMIK covering the period from 1 July 2011 to 30 June 2012 was issued on 2 February 2011 (A/65/711). Since the issuance of the budget and adoption by the General Assembly of its resolution 65/300, substantial changes in the cost parameters and assumptions used in the budget have had a significant impact on the approved budget. resulting in additional resource requirements. These changes include the classification of Field Service posts, the higher than budgeted post adjustment multiplier and lower than planned vacancy rate for international staff, the classification of national staff posts combined with the revisions of national staff salary scales after the completion of the 2011/12 budget, as well as exchange rate fluctuations.

3. The classification of Field Service and national staff posts was initiated in the second half of 2010 and completed in March 2012, with its results effective 1 March 2011 (the month following the receipt of the classification request). The estimated resource requirements stemming from the post upgrades amount to $1,149,700 gross ($1,007,100 net), comprising $714,000 gross ($625,400 net) for international staff and $435,700 gross ($381,700 net) for national staff.

4. The total additional resource requirements under the international staff and national staff classes of expenditure that are attributable to the outcome of the classification exercise and factors indicated in paragraph 2 above are estimated at $3,927,500 gross ($3,598,100 net), of which $542,200 gross and net would be offset

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primarily through the reprogramming and reprioritization of the already approved resources, including a thorough review of obligations to ensure that they cover only the most essential and critical operational requirements. Accordingly, the projected total expenditure for the 2011/12 financial period would amount to $48,300,100 gross ($43,589,400 net), representing an increase of $3,385,300 gross ($3,055,900 net), or 7.5 per cent in gross terms, compared to the appropriation of $44,914,800 gross ($40,533,500 net) approved by the General Assembly for the maintenance of the Mission in its resolution 65/300 (see table below).

5. Resource variances of at least plus or minus 5 per cent or $100,000 are explained in paragraphs 6 to 9 below.

Table
Additional resource requirements for the period from 1 July 2011 to 30 June 2012
(Thousands of United States dollars)

	Apportionment	*Total projected expenditure*	*Variance*	
			Amount	*Percentage*
Category	*(1)*	*(2)*	*(3)=(1)-(2)*	*(4)=(3)÷(1)*
Military and police personnel				
Military observers	361.7	340.9	20.8	5.8
Military contingents	—	—	—	—
United Nations police	369.6	293.1	76.5	20.7
Formed police units	—	—	—	—
Subtotal	**731.3**	**634.0**	**97.3**	**13.3**
Civilian personnel				
International staff	27 515.1	29 419.1	(1 904.0)	(6.9)
National staff	6 504.5	8 528.0	(2 023.5)	(31.1)
United Nations Volunteers	1 140.6	1 099.7	40.9	3.6
General temporary assistance	28.8	30.2	(1.4)	(4.9)
Subtotal	**35 189.0**	**39 077.0**	**(3 888.0)**	**(11.0)**
Operational costs				
Government-provided personnel	—	—	—	—
Civilian electoral observers	—	—	—	—
Consultants	283.3	218.5	64.8	22.9
Official travel	627.6	497.3	130.3	20.8
Facilities and infrastructure	4 083.8	3 850.2	233.6	5.7
Ground transportation	706.2	619.4	86.8	12.3
Air transportation	—	—	—	—
Naval transportation	—	—	—	—
Communications	1 572.0	1 547.6	24.4	1.6
Information technology	1 205.4	1 237.8	(32.4)	(2.7)
Medical	131.0	73.0	58.0	44.3

Category	Apportionment (1)	Total projected expenditure (2)	Variance Amount (3)=(1)-(2)	Variance Percentage (4)=(3)÷(1)
Special equipment	—	—	—	—
Other supplies, services and equipment	385.2	545.3	(160.1)	(41.6)
Quick-impact projects	—	—	—	—
Subtotal	**8 994.5**	**8 589.1**	**405.4**	**4.5**
Gross requirements	**44 914.8**	**48 300.1**	**(3 385.3)**	**(7.5)**
Staff assessment income	4 381.3	4 710.7	(329.4)	(7.5)
Net requirements	**40 533.5**	**43 589.4**	**(3 055.9)**	**(7.5)**
Voluntary contributions in kind (budgeted)	—	—	—	—
Total requirements	**44 914.8**	**48 300.1**	**(3 385.3)**	**(7.5)**

6. The reduced resource requirements of $97,300 under military and police personnel are attributable primarily to the deployment of seven United Nations police officers from September 2011 to February 2012 compared to the budgetary provision for full deployment of eight police officers during the 2011/12 financial period, as well as lower cost of travel for deployment, rotation and repatriation, and reduced actual requirements for death and disability compensation claims.

7. The additional resource requirements of $1,904,000 gross ($1,744,300 net) under the international staff class of expenditure are attributable to (a) the classification of Field Service posts effective 1 March 2011, resulting in 33 posts classified one grade higher and 5 posts classified two grades higher, (b) the higher average actual post adjustment multiplier of 54.6 points from July 2011 to March 2012 compared to the budgeted post adjustment multiplier of 41.8 points, which was the actual rate in January 2011 at the time of the budget preparation, and (c) the projected average vacancy rate of 10 per cent for the 2011/12 financial period compared to the budgeted vacancy rate of 12 per cent as a result of the Mission's efforts to fill vacant posts.

8. The additional resource requirements of $2,023,500 gross ($1,853,800 net) under the national staff class of expenditure are attributable to (a) the classification of National Professional Officer and national General Service posts effective 1 March 2011, resulting in 92 national staff posts classified one grade higher and 12 national staff posts classified two grades higher, (b) the actual average grade and step level of the national General Service staffing establishment being higher than budgeted (G-5, step IX, before the classification exercise compared to the budgeted G-4, step VIII) owing to the Mission's significant reduction of staff since the 2008/09 financial period when staff with better qualifications and longer experience were retained, (c) the implementation of two consecutive revised national staff salary scales for Pristina effective 1 February 2011 (6.7 per cent increase) and 1 February 2012 (5.5 per cent increase), and (d) the lower actual average exchange rate of €0.733 per United States dollar during the first three quarters of the 2011/12 financial period compared to €0.764 per United States dollar applied in the budget, a

variance of 4.1 per cent, increasing expenditure for disbursement of national staff remuneration.

9. The reduced resource requirement of $405,400 under operational costs is attributable to (a) cancellation of engineering projects under the facilities and infrastructure class of expenditure, such as the construction of a new entrance at the Mission's headquarters compound in Pristina, (b) restrictions in official travel, in particular for training and participation in conferences, purchasing tickets at least two weeks in advance and requesting United Nations agencies to participate in facilitation meetings on behalf of UNMIK in countries where there is a presence of United Nations agencies, (c) postponement of the planned outsourcing contract for heavy vehicles repair and maintenance under the ground transportation class of expenditure, (d) lower actual expenditure related to training consultants and lower cost of travel for the consultants on the Human Rights Advisory Panel, and (e) reduced requirements for medical supplies. The overall reduced requirements under operational costs were offset in part by additional requirements under the other supplies, services and equipment class of expenditure owing to the engagement of individual contractors to cover operational requirements of the Mission.

10. As at 19 April 2012, outstanding contributions to the Special Account for UNMIK amounted to $39.5 million, representing 88 per cent of the 2011/12 appropriation. Owing to the delayed payment of outstanding contributions, cash on hand in the Mission's special account as at 19 April 2012 amounted to $1.5 million, from a loan of $22.5 million from closed peacekeeping missions which remains unpaid. The resulting three-month operating cash reserve deficit as at the same date amounted to $33.7 million.

11. Under the exceptional circumstances addressed in the present note, the requested additional appropriation for UNMIK, with assessment, for the 2011/12 financial period is critical to ensuring the continued operation of the Mission in support of its mandate.

Actions to be taken by the General Assembly

12. **The action to be taken by the General Assembly in connection with the financing of the United Nations Interim Administration Mission in Kosovo is appropriation and assessment of the amount of $3,385,300 for the maintenance of the Mission for the 12-month period from 1 July 2011 to 30 June 2012, in addition to the amount of $44,914,800 already appropriated and assessed for the same period for the maintenance of the Mission under the terms of Assembly resolution 65/300.**

United Nations A/66/778–S/2012/256

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Security Council

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General Assembly
Sixty-sixth session
Agenda items 107,108,109 and 118

Crime prevention and criminal justice

International drug control

Measures to eliminate international terrorism

The United Nations Global Counter-Terrorism Strategy

Security Council
Sixty-seventh year

Letter dated 20 April 2012 from the Permanent Representative of Libya to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith the Tripoli Plan of Action, which was adopted at the regional ministerial conference on border security held in Tripoli on 11 and 12 March 2012. The conference was attended by ministers responsible for border security from Algeria, Chad, Egypt, Libya, Mali, Mauritania, Morocco, Niger, the Sudan and Tunisia (see annex).

I should be grateful if you could have this letter and its annex circulated as a document of the Security Council, in the context of the open debate to be held on 25 April 2012 entitled "Threats to international peace and security: securing borders against illicit flows", and of the sixty-sixth session of the General Assembly under agenda items 107, 108, 109 and 118.

(*Signed*) Abdurrahman Mohamed **Shalgham**
Permanent Representative

12-32225 (E) 080512 090512

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Regional Ministerial Conference on Border Security

Opportunities for promoting operational cooperation

Tripoli, 11 and 12 March 2012

Tripoli Plan of Action

I. Background information

On 28 January 2012, at the African Union summit in Addis Ababa, the Prime Minister of Libya announced that his country intended to host a conference of neighbouring States (Algeria, Chad, Egypt, Niger, Sudan and Tunisia) and concerned States of the Maghreb and North Africa (Mali, Mauritania and Morocco) in order to discuss and tackle some of the most significant border security challenges facing the region. The conference would aim to encourage relevant contact and operational cooperation between Libya and neighbouring States, and to define specific procedures to promote, integrate and stimulate such initiatives at the national, bilateral, subregional and regional levels. That firm commitment to bilateral and regional cooperation, which was grounded in international law and transparent standards, was intended to consolidate mutual trust and amicable relations among participating States.

Such cooperation should consist primarily of the organized exchange of information and skills; meetings and joint training sessions; the formation of common structures and arrangements for communication under bilateral agreements; close cooperation with the relevant international and regional organizations; cooperation in the context of instruments and work programmes; and the establishment of a common work programme for consultation and cooperation on border security issues.

At the preparatory technical meeting held on 9 and 10 March 2012, representatives and experts from participating States examined the salient security challenges with a view to reaching a common understanding of their nature and extent. They agreed on a set of immediate and medium to long-term measures at the national, bilateral, subregional and regional levels aimed at promoting cooperation in confronting those challenges. The response to the common security challenges identified, along with the agreed initiatives and procedures, would constitute a plan of action for implementation and follow-up.

II. A common understanding of the current security challenges

The delegations identified and discussed the principal issues of common interest. They set out their understanding of the nature, scope and principal causes of the border security challenges facing each of the countries and the region as a whole. The following issues and dimensions should be taken into consideration.

Threats and risks

The risks affecting national and regional security, and their root socio-economic causes, were analysed along the following lines:

Weapons proliferation and other forms of trafficking and smuggling

- Man-portable air defence systems (MANPADs);
- Chemical, nuclear and biological weapons of mass destruction;
- Landmine procedures;
- Proliferation of small arms and light weapons;
- Drug trafficking;
- Other forms of illicit trafficking, including cigarettes; commercial fraud;
- Illicit trafficking in petroleum products.

Counter-terrorism and law enforcement

- Analysis of common risks and threats, including groups in the Sahel and armed elements;
- Transnational legal and judicial cooperation: exchange of information on judicial processes for detention, arrest warrants and reports of investigations;
- Exchange of information regarding financial tracking, financing of terrorism and money-laundering.

Border security and management, including illegal migration

- Human trafficking / organized crime;
- Reception centres and expulsion or voluntary repatriation;
- Socio-economic conditions, including cross-border movement;
- Management structures.

1. Causes underlying the threats to border security

- Poverty, marginalization and unemployment;
- Armed conflict, wars and fragile security situations;
- Natural disasters, including drought and floods;
- Ethnic overlap, which results in nomadic peoples failing to comply with legal border restrictions;
- The search for a better economic situation;
- The exploitation of migrants' situation by organized crime;
- Lack of an effective mechanism to control cross-border weapons proliferation.

2. Specific challenges

- Limited human resources specialized in border security;
- Paucity of modern technical logistics;
- Insufficient border monitoring posts;
- Limited coordination and harmonization with regard to specialized training in border security;
- Lack of cooperation mechanisms allowing operational field coordination to tackle certain regional issues; inadequacy of regional mechanisms for operational and intelligence coordination.

3. Proposed solutions

- Focusing on sustainable human development and addressing the specific development needs of border regions with a view to raising the living standards of the inhabitants, thereby strengthening border security;
- Providing specialist training on border security;
- Using advanced electronic technologies for border security;
- Developing legislation on organized crime and terrorism;
- Drawing on the skills and capacities of international organizations to provide specialized training programmes;
- Examining the feasibility of establishing a common information centre with a view to potential joint operations;
- Reaching a common understanding and definition of the challenges;
- Coordinating with the United Nations and the European Union to promote cooperation, particularly economic, development and security cooperation, in order to resolve the problems and challenges facing regional States;
- Arranging the provision of material support through bilateral and multilateral cooperation, including assistance made available by the concerned international and regional organizations, international financial institutions such as the World Bank and International Monetary Fund, and development banks;
- Urging advanced States to comply with their commitments to provide material and technical support.

III. Promotion of bilateral and regional cooperation

The participants agree that border security and its comprehensive management are functions of the sovereignty and responsibilities of each State. They also agree, however, on the transnational nature of many of the fundamental socio-economic causes of the criminal activities that endanger their security and stability. They therefore believe that the concept of safe borders should be promoted in a comprehensive and coordinated manner through the following steps:

- Examining the possibility of establishing a committee of experts and specialists that would meeting periodically at the bilateral and regional levels to consult and exchange views on border security;
- Organizing joint training sessions for personnel across the region, to be held at domestic, regional and international training centres as well those of any other States or organizations that wish to contribute;
- Strengthening the role of regional organizations in the area of border security;
- Strengthening bilateral and multilateral border security agreements;
- Adopting a common strategy to promote legal and judicial cooperation;
- Requesting customs specialists to develop cooperation mechanisms;
- Exploring a mechanism to monitor financial transactions linked to border threats;
- Emphasizing a comprehensive approach to illegal migration issues, and enshrining the principle of the common responsibility of origin, transit and destination countries;
- Affirming that each State will be involved in any collective discussions on border security;
- Establishing a joint committee on cooperation and coordination in securing borders.

The preparatory meeting at the expert level examined the following immediate and medium-term practical measures at the national, bilateral and regional levels for referral to the Regional Ministerial Conference on Border Security.

- **Information sharing: surveillance, intelligence and analysis of regional and transnational risks and threats**

Immediate measures

- Considering the establishment or promotion of a regional information sharing mechanism with regard to all threats;
- Conducting a comprehensive analysis of the risks arising from insecurity and the root causes of migration; creating opportunities for targeted and effective forms of socio-economic and other assistance across the region with support from the United Nations, regional donors and other partners;
- Convening face-to-face expert meetings of experts in related sectors to create practical mechanisms to implement these decisions.

Medium and long-term measures

- Creating facilities for the exchange of electronic information on organized crime, terrorism, financing of terrorism and money-laundering;
- Establishing a research centre to examine the issues and propose appropriate solutions.

• **Border security and management and illegal migration**

In order to explore means to enforce border security and curtail illegal migration flows from a cause-and-effect perspective, States' experiences were examined and the following recommendations were made.

1. Neighbouring States should endeavour to foster security cooperation and secure land and sea borders by taking the following steps:

(a) Creating and enhancing electronic systems to monitor and protect borders;

(b) Exchanging information regarding criminal networks in general and, in particular, networks trafficking in illegal migrants, weapons, drugs and so on;

(c) Developing the border regions, particularly by improving living standards and infrastructure in order to guarantee border security;

(d) Exploring bilateral mechanisms in order to resolve potential difficulties at the borders;

(e) Training personnel to combat transnational crime.

2. Machine-readable documents using biometric data should be adopted in order to tackle counterfeiting.

3. The concerned States should be invited to put in place legal restrictions to curb illegal migration and strengthen international agreements.

4. All available means should be used, at the domestic and international levels, to foster socio-economic development with a view to limiting illegal migration.

5. Each country could appoint focal points in order to coordinate efforts to secure borders and combat illegal migration.

6. Programmes should be put in place in order to raise awareness of the dangers of illegal migration.

7. With the support of the international community and relevant international organizations, rapid solutions should be elaborated, including ways to develop disadvantaged areas and create jobs for marginalized people.

Counter-terrorism measures

Immediate measures

- The concerned States should establish, foster and train comprehensive and specialized counter-terrorism units. Countries that so wish should exchange expertise and benefit from material and technical support from the European Union and other bilateral partners, maintaining contact with the International Criminal Police Organization (INTERPOL) and the United Nations Counter-Terrorism Committee Executive Directorate (CTED).

- Regional States should examine the feasibility of establishing a database to exchange information on counter-terrorism and relevant security threats. Any participating State would thus be able to access information on, for instance, the locations of terrorists, smugglers and non-State armed groups.

- Regional States should examine the feasibility of establishing a counter-terrorism fund.

- Immediate and tangible measures should be taken in order to address and combat terrorism, with a particular focus on strengthening citizens' resistance to extremist ideological trends, especially in border regions.

- Based on the agreement of the States participating in the conference, multilateral cooperation among African States should be consolidated and extended, and the African counter-terrorism mechanisms should be highlighted.

Medium and long-term measures

- With material and technical support from CTED, each country should put in place its own strategies and full, comprehensive national mechanisms for the implementation of counter-terrorism procedures.

- All of the procedures required under Security Council resolution 1373 (2001) should be implemented. National authorities should comply with the international counter-terrorism instruments which they have ratified, and should consider inviting CTED to conduct follow-up visits in order to assist Governments.

- Parties should cooperate with CTED and the United Nations Office on Drugs and Crime following modalities that should be set out in a protocol. Such cooperation should include reviewing the current legal frameworks in accordance with the requests of each country's national counter-terrorism authorities. It should ensure that national legislation enshrines the offences set forth in the international counter-terrorism instruments and complies with human rights and other international standards. Legislation on money-laundering should be reviewed in order to criminalize the financing of terrorism and provide for the freezing, confiscation or seizure of funds obtained through terrorism.

- Each country should modernize its national coordination and communication mechanisms for combating terrorism and organized crime, including inter-agency cooperation and data systems. In so doing, it should benefit from capacity-building and financial and technical resources from the United Nations Office on Drugs and Crime, the European Union and other organizations.

- Each country should conduct broad campaigns to raise awareness of measures to combat money-laundering and the financing of terrorism. The campaigns should focus on strengthening citizens' resistance to extremist ideological trends, especially in border regions.

- States should share expertise regarding the prosecution of money-laundering and other terrorism-related offences. The competent authorities and bilateral partners should be invited to offer relevant training programmes for security personnel, public prosecutors and the judiciary, in order to strengthen each country's capacity to suppress and investigate the offences set forth in the international counter-terrorism instruments.

• **Law enforcement**

Immediate measures

– A standing regional cooperation mechanism should be established with the aim of combating organized crime, illegal migration and other transnational offences. Participants could include the police force and intelligence or security agencies of each country, for instance through the ministers of the interior, or a standing committee of police chiefs, or domestic or international security agencies.

– Bilateral agreements on the principle of hot pursuit should be implemented, as should those regarding other forms of legal and judicial cooperation, such as detention orders, extradition, forwarding of extradition requests to the competent police force, investigation, court proceedings and records, and cooperation between interior and justice ministries. States should examine the possibility of concluding other such agreements.

– Each country should conclude protocols setting forth mutual arrangements with regard to focal points in order to ensure communication, coordination and information exchange on all law enforcement and security issues.

Medium and long-term measures

– A forum should be established with a view to cooperating on law enforcement training, capacity-building for law enforcement officials, information exchange and consultation on counter-terrorism.

– In order to strengthen operational cooperation among States of the region, action should be taken to establish a regional mechanism along the lines of INTERPOL to combat transnational organized crime.

• **Arms control and landmine procedures**

Immediate measures

– The concerned States should resume cooperation programmes with regard to landmine procedures.

– States should take advantage of any international funding programmes to stimulate national landmine elimination projects.

– Advanced States responsible for laying landmines should be invited to provide assistance to the affected developing countries.

– In countries that so wish, the International Civil Aviation Organization should be invited, in cooperation with national authorities, to conduct a rapid assessment of the vulnerability of international and domestic airports to attacks from MANPADs.

– Countries that so wish should form a working group to ensure bilateral and regional information exchange regarding the proliferation of MANPADs and other weapons trafficking.

– Frontline States should be urged to detect, confiscate and endeavour to destroy the weapons in circulation, particularly portable missile launchers.

– Support should be given to efforts to reintegrate armed groups into civilian life. Regional States that so wish could request assistance from the relevant international organizations and the European Union.

Medium and long-term measures

– Each country should take action to establish and maintain a national database on the proliferation of trafficked and lost small arms and light weapons. Competent authorities within each Government should exchange information at the bilateral and regional levels, establishing regional procedures to store information from the United Nations concerning weapons transfers, with particular reference to the United Nations Programme of Action on small arms and light weapons and the United Nations Register of Conventional Arms. A regional analysis of the topic should be conducted.

– The risks of regional weapons proliferation should be counteracted, and stockpile management practices should be improved, by taking national and regional action to uphold the applicable international agreements and treaties on small arms, the International Ammunition Technical Guidelines and international standards on landmine procedures.

• **Fostering bilateral, subregional and regional cooperation**

– The bilateral agreements and bilateral, subregional and regional cooperation mechanisms that are currently in force should be strengthened in respect of the dimensions set out above. The agreements should be reviewed where necessary in the light of the specific circumstances of their implementation.

– Periodic high-level discussions between agencies combating terrorism and organized crime should be encouraged and strengthened. They should be complemented by regular subregional and regional meetings, particularly in the context of the League of Arab States, the European Union and other such forums.

– Regional associations should be consolidated, including the Community of Sahel-Saharan States, the Council of Arab Ministers of the Interior, the African Union, the League of Arab States, the Arab Maghreb Union and the 5+5 initiative.

– Each regional State should affirm its respect for international laws and conventions concerning extradition, and should seek to conclude inter-State cooperation agreements.

– Bilateral and regional agreements on combating smuggling in all its aspects should be strengthened.

– Bilateral and regional cooperation and information exchange on combating drug trafficking should be intensified.

– Periodic bilateral or regional meetings should be held in order to discuss security and defence in regional States.

– The exchange of skills and training should be promoted.

– The recommendations made at this Conference should be emphasized and referred to the ministerial meeting of the Peace and Security Council of the

African Union, to be held on 16 March 2012, and the regional conference on the Sahel and northern Mali to be held in Chad.

IV. Follow-up to the Conference

The preparatory meeting at the level of experts and senior officials drafted the Tripoli Plan of Action for operational cooperation on border security. The Plan was ratified by the Regional Ministerial Conference on Border Security and will be implemented by each of the concerned Governments. In order to ensure progress, a recommendation was made to form a secretariat of member States, on an annual basis, to determine functions and structure through diplomatic channels with a view to monitoring the progress made and sharing developments. In certain cases, technical, financial and other support from bilateral and multilateral partners will be needed. A timetable for annual regional ministerial meetings through diplomatic channels was also agreed. It was decided that the host State would assess implementation of the recommendations.

The delegation of Morocco offered to host the following conference at the level of experts and ministers in late 2012; an official timetable will be determined soon.